

### **217.211 Electronic prescribing.**

- (1) Electronic prescribing of a drug or device under this chapter shall not interfere with a patient's freedom to select a pharmacy.
- (2) Electronic prescribing software used by a practitioner to prescribe a drug or device under this chapter may include clinical messaging and messages in pop-up windows directed to the practitioner regarding a particular drug or device that supports the practitioner's clinical decision making.
- (3) Drug information contained in electronic prescribing software to prescribe a drug or device under this chapter shall be consistent with Food and Drug Administration-approved information regarding a particular drug or device.
- (4)
  - (a) Electronic prescribing software used by a practitioner to prescribe a drug or device under this chapter may show information regarding a payor's formulary, copayments, or benefit plan, provided that nothing in the software is designed to preclude a practitioner from selecting any particular pharmacy or drug or device.
  - (b) If electronic prescribing software does show information regarding a payor's formulary, payments, or benefit plan under paragraph (a) of this subsection, the information shall be updated at least quarterly to ensure its accuracy.
- (5) Each governmental unit of the Commonwealth promulgating administrative regulations relating to electronic prescribing shall include in the regulations electronic prior authorization standards meeting the requirements of KRS 304.17A-167 in its implementation of health information technology improvements as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and the Health Information Technology for Economic and Clinical Health Act, enacted as part of the American Recovery and Reinvestment Act of 2009.

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**History:** Amended 2019 Ky. Acts ch. 190, sec. 3, effective January 1, 2020. -- Created 2012 Ky. Acts ch. 136, sec. 1, effective July 12, 2012.